

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THE STOCKBRIDGE-MUNSEE COMMUNITY,

Plaintiff,

v.

ORDER

STATE OF WISCONSIN, SCOTT WALKER, and
THE HO-CHUNK NATION,

17-cv-249-jdp

Defendants.

The Stockbridge-Munsee Community, an Indian tribe with a reservation in Shawano County in northern Wisconsin, filed this lawsuit against defendants the Ho-Chunk Nation, the State of Wisconsin, and Governor Scott Walker. Stockbridge-Munsee claims that Ho-Chunk is operating a casino in Shawano County that violates the Indian Gaming Regulatory Act and a compact Ho-Chunk negotiated with the state. Stockbridge-Munsee also alleges that the state is violating the its compact with Stockbridge-Munsee by refusing to enforce the Ho-Chunk compact. Stockbridge-Munsee seeks a preliminary injunction enjoining Ho-Chunk from operating any of the slot machines and gaming tables included in its planned expansion of the Shawano County casino. Dkt. 7.

Stockbridge-Munsee's motion is fully briefed and under advisement to the court. But before ruling on the motion, the court will order the parties to submit supplemental briefing on one issue raised in the briefing: the application of the continuing-violations doctrine to Stockbridge-Munsee's claims for injunctive relief. *See* Dkt. 39, at 49-50. Stockbridge-Munsee's argument focused on Wisconsin state law, but the accrual of a federal cause of action is a matter of federal law, even if the applicable statute of limitations is borrowed from state law. *O'Gorman*

v. City of Chicago, 777 F.3d 885, 889 (7th Cir. 2015). And because Stockbridge-Munsee raised this issue in its reply brief, in response to Ho-Chunk's argument that Stockbridge-Munsee's claims are barred by the applicable statute of limitations, Ho-Chunk has not had an opportunity to address it. So the court will order each party to submit supplemental briefing on the issue.

ORDER

IT IS ORDERED that plaintiff the Stockbridge-Munsee Community and defendant the Ho-Chunk Nation may file supplemental briefs on the application of the continuing-violations doctrine to Stockbridge-Munsee's claims for injunctive relief by July 24, 2017.

Entered July 10, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge